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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,502	03/23/2004	Marian Rudolf	I-2-0494.IUS	2766
24374 7590 05/06/2010 VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103				
EXAMINER				
PEREZ, JULIO R				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,502

Applicant(s)

RUDOLF ET AL.

Examiner

JULIO PEREZ

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19, 21, 22, 24, 25, 27-30, 32-35, 37, 38, 40-46 and 48-50 is/are rejected.
- 7) ☒ Claim(s) 20, 23, 26, 31, 36, 39, 42 and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Predecessor's Patent Drawing Review (PTO-544)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/29/2010; 03/24/2010
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/12/2010 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19, 21-22, 24-25, 27-30, 32-35, 37-38, 40-42, 43-46, 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang (US007317700B2) in view of Hedlund et al. (US 6,934,268). 20,23, 26, 31, 36, 39, 42, 47

Regarding claim 19, Hwang discloses providing high speed downlink packet access (HSDPA) services (Figure 6, # 61) comprising:

receiving at least one control signal indicating a plurality of timeslots allocated for usage of HSDPA channels and a plurality of maximum allowed HSDPA transmit power levels corresponding to respective ones of the allocate timeslots (col. 3, lines 27-56; col. 4, lines 59-67-col. 5, lines 16), teach a controller providing signal information for power utilization in the timeslots and providing information of plurality of timeslots allocated for

usage of HSDPA channels (col. 3, lines 36-43; col. 4, lines 59- 67- col. 5, lines 1-3, allocation of slots).

Hwang does not specifically suggest the transmit power level of each allocated timeslot indicated by the control signal is not allowed to exceed a corresponding maximum allowed transmit power, however, Hedlund recites control of downlink channels of a base station to control maximum permitted power level (*Figure 2a*, #'s 22, 24; col. 4, lines 50-67-col. 5, lines 1-7).

Hwang and Hedlund are analogous art because they are from a similar field of endeavor in controlling downlink power provision. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Hwang with the receptacle for scanning taught by Hedlund in order to in order to manage control of the downlink power for connection between the UEs and the radio stations.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang in view of Hedlund as applied to claims above, and further in view of Cha et al. (US 20040090934A1).

Regarding claim 21, the combination discloses claim 19, but the control signal limits the allowed HSDPA transmit power level to ensure that there is sufficient power reserved for non-HSDPA services.

Cha discloses allocating percentage of the allocated transmitting power for non services related to HSD packet access (pars. 18, 27, describe the allowance of services for non high speed data services with sufficient power on transmission).

It would have obvious to one of skilled in the art at the time of the invention to modify the teachings of Hwang in view of Hedlund, such that the control signal limits the allowed HSDPA transmit power level to ensure that there is sufficient power reserved for non-HSDPA services, in order to share the transmission power between differing services to render the system more efficiently.

Claim 22 contains subject matter similar to claim 1, and thus, is rejected under similar rationale.

Claim 24, contains subject matter similar to claim 21, and thus, is rejected under similar rationale.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang (US007317700B2) in view of Hedlund.

Regarding claim 25, Hwang discloses providing high speed downlink packet access (HSDPA) services (Figure 6, # 61), the method comprising:

receiving at least one control signal indicating a plurality of transmission timing intervals allocated for usage of HSDPA channels and a plurality of maximum allowed HSDPA transmit power levels corresponding to respective ones of the allocate timeslots (col. 3, lines 27-56; col. 4, lines 59-67-col. 5, lines 16, teach a controller providing signal information for power utilization in the timeslots and providing information of plurality of timeslots allocated for usage of HSDPA channels (col. 3, lines 36-43; col. 4, lines 59-67- col. 5, lines 1-3, allocation of slots).

Hwang does not specifically suggest the transmit power level of each allocated TTI indicated by the control signal is not allowed to exceed a corresponding maximum

allowed transmit power, however, Hedlund recites control of downlink channels of a base station to control maximum permitted power level (*Figure 2a, #'s 22, 24; col. 4, lines 50-67-col. 5, lines 1-7*).

Hwang and Hedlund are analogous art because they are from a similar field of endeavor in controlling downlink power provision. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Hwang with the receptacle for scanning taught by Hedlund in order to in order to manage control of the downlink power for connection between the UEs and the radio stations.

6. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang in view of Hedlund as applied to claims 25, 30 and 41 respectively above, and further in view of Malkamaki (US 20040097253A1).

Regarding claim 27, Hwang discloses claim 25, but wherein at least one set of the allocated TTIs are included in a frequency division duplex (FDD) cell frame.

Malkamaki implements wireless communication systems with FDD mode and TTIs to define periods for data transportation between the user equipment and base stations (pars. 61, 67, 71, which provides frequency duplex and also allocation of TTIs at least on transmission).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Hwang in view of Hedlund to include Malkamaki, as it is known to implement wireless communication during frequency duplex with allocation of TTIs during cell frames.

7. Claim 28 is rejected under 35 U.S03 (a) as being unpatentable over Hwang in view of Hedlund as applied to claims above, and further in view of Mousley et al. (US 20050083977A1).

Regarding claim 28, the combination discloses claims 25, but wherein the FDD cell frame has a length of 10 ms and each TTI has a length of 2 ms.

Mousley teaches allocation of channels with TTI of length 2 ms and frames of length of 2 ms (pars. 27, 37, lengths of 2 and several ms are taught).

It would have been obvious to one of ordinary skill in the art to modify Hwang in view of Hedlund, to include Mousley, as it is known in the art that TTIs conform to 2 ms and frames with lengths of 10 ms, to identify the frame lengths for transmission.

Claim 29 contains subject matter similar to claim 21, and thus, is rejected under similar rationale.

Claim 30 contains subject matter similar to claim 25, and thus, is rejected under similar rationale.

Claim 32 contains subject matter similar to claim 27, and thus, is rejected under similar rationale.

Claim 33 contains subject matter similar to claim 28, and thus, is rejected under similar rationale.

Claim 34 contains subject matter similar to claim 24, and thus, is rejected under similar rationale.

Claim 35 contains subject matter similar to claim 1, and thus, is rejected under similar rationale.

Claim 37 contains subject matter similar to claim 24, and thus, is rejected under similar rationale.

Claim 38 contains subject matter similar to claim 22, and thus, is rejected under similar rationale.

Claim 40 contains subject matter similar to claim 37, and thus, is rejected under similar rationale.

Claim 41 contains subject matter similar to claim 30, and thus, is rejected under similar rationale.

Claim 43 contains subject matter similar to claim 32, and thus, is rejected under similar rationale.

Claim 44 contains subject matter similar to claim 33, and thus, is rejected under similar rationale.

Claim 45 contains subject matter similar to claim 34, and thus, is rejected under similar rationale.

Claim 46 contains subject matter similar to claim 38, and thus, is rejected under similar rationale.

Claim 48 contains subject matter similar to claim 43, and thus, is rejected under similar rationale.

Claim 49 contains subject matter similar to claim 44, and thus, is rejected under similar rationale.

Claim 50 contains subject matter similar to claim 45, and thus, is rejected under similar rationale.

Allowable Subject Matter

8. Claims 20,23, 26, 31, 36, 39, 42, 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art, either singularly or in combination, teach or fairly suggest wherein transmitting or receiving at least one feedback signal indicating results of measurements of the power level of at least one of the allocated timeslots or TTIs during the predetermined time period of at least 100 ms.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIO PEREZ whose telephone number is (571)272-7846. The examiner can normally be reached on 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD can be reached on (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4/27/2010

/J. P./
Examiner, Art Unit 2617

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2617